

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: 14-MD-2543 (JMF)

GENERAL MOTORS LLC IGNITION
SWITCH LITIGATION

This Document Relates To All Actions

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**APPLICATION OF MICHAEL LOUIS KELLY FOR APPOINTMENT
AS A MEMBER OF PLAINTIFFS' EXECUTIVE COMMITTEE**

I. Introduction

Michael Louis Kelly respectfully submits this application for appointment as one of the of the ten members of the Executive Committee. Mr. Kelly and his firm, Kirtland & Packard LLP, possess the extensive experience required to successfully prosecute class product liability litigation. It was for this particular skill and experience that Judge Selna appointed Mr. Kelly to the lead counsel committee in *In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, MDL 2151 -- Mr. Kelly being one of a small minority appointed by Judge Selna who were not on the slate of lawyers put forth by temporary lead counsel in that case.

While many of the firms in this MDL are capable class action attorneys, Mr. Kelly stands apart from most of those attorneys by being not just an accomplished class action lawyer, but also a lawyer who has been litigating and *trying to verdict*, automobile and aviation product liability claims for his entire 35 year career. In the rough and tumble world of automobile product liability, you need lawyers who have worked in the trenches of that litigation for many years; not lawyers who are trying their luck (and the class's) for the first time.

Mr. Kelly and his firm served well as a member of the Toyota MDL 2151 Lead Counsel Committee, contributing significantly to that matter's successful conclusion. If appointed, he and his firm can make a similar contribution here.

II. Michael Louis Kelly and His Firm Kirtland & Packard LLP Have Extensive Experience in High Stakes Litigation

Mr. Kelly and Kirtland & Packard LLP have extensive experience in complex multi-party and multi-district litigation, and have litigated, or are currently involved in litigating, over twenty MDL matters, beginning as far back as MDL-13 in 1967. Other MDL cases the firm has litigated which involved extensive product liability issues are: MDL-103: *In re: Air Crash Disaster at Toronto International Airport* on July 5, 1970; MDL-106: *In re: Air Crash Near Duarte, CA* on June 6, 1971; MDL-172: *In re: Paris Air Crash*; MDL-176: *In re: Pago Pago Air Crash* on January 30, 1974; MDL-391: *In re: Air Crash Disaster Near Chicago, IL* on May 25, 1979; MDL 1173: *In re: American Airlines, Inc., Flight 869 Turbulence Incident* of January 17, 1996; MDL-1448: *In re: Air Crash at Belle Harbor, New York* on November 12, 2001; and of course MDL-2151: *In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*.

Mr. Kelly is supported by partners with advanced degrees and broad experience in mechanical engineering and computer science.

III. Michael Louis Kelly and Kirtland & Packard Also Have Extensive Experience in Consumer Class Actions

Mr. Kelly and his firm have been appointed as lead or co-lead counsel in many class action matters including: *In re: Apple iPhone 4 Products Liability Litigation*, MDL-2188 in the Northern District of California before Judge Whyte, *In re: Pom Wonderful LLC Marketing and Sales Practices Litigation*, MDL-2199, in the Central District of California before Judge

Pregerson, and in *In re: Oreck Corporation Halo Vacuum Air Purifiers Marketing and Sales Practices Litigation*, MDL-2317, in the Central District of California before Judge Snyder.

In a class action based on product liability issues, Mr. Kelly brings the following additional specific skills and benefits to the leadership of this case:

- Technical and specific product liability class action litigation experience;
- The ability to take complex product liability and technical depositions;
- The ability to understand, and communicate complex technical subjects to others, including to lay juries;
- The ability to work with technical experts;
- The proven ability to, if necessary, try to verdict a complex class action involving underlying technical product defects and misrepresentations regarding same.

IV. Michael Louis Kelly Has Extensive Trial Experience

Mr. Kelly has litigated many types of cases to successful jury verdict or significant settlement. A partial list of such matters include: \$63,900,000 Baker v. PrivatAir [verdict - age discrimination claim]; \$18,500,000 Business litigation [settlement after 17 days of trial - parties confidential]; \$12,200,000 Opperman v. Verizon [settlement - cellular class action claim]; \$12,000,000 Great Escape Promotion Cases Coordinated Proceeding [settlement - class action]; \$10,000,000 Rubio v. Capital One [settlement - class action]; \$7,000,000 Juvenile detention claim [settlement - Amande v. Los Angeles County]; \$6,000,000 Defective roadway design [settlement - Meyers v. CalTrans]; \$4,344,000 SUV design defect case [settlement at trial - parties confidential]; \$2,600,000 Insurance bad faith [verdict - Indochina v. Stratford Insurance Company]; \$2,020,495 Dangerous condition of public property on highway maintained by CalTrans [verdict-Patch v. CalTrans].

V. Michael Louis Kelly and Kirtland & Packard Have the Knowledge, Experience, Willingness and Ability to Commit Sufficient Resources to Successfully Prosecute the Claims at Bar

As shown by the above Michael Louis Kelly is (1) knowledgeable and experienced in prosecuting class product liability litigation; (2) is willing and able to commit to a time-consuming process; (3) able to work cooperatively with others; (4) has access to sufficient resources to prosecute the litigation in a timely manner; (5) has extensive knowledge of the applicable law; and (6) is backed by the stability and resources of a firm founded in 1932. Mr. Kelly and his firm also have the recent experience of litigating the Toyota MDL as part of the lead counsel committee, including helping brief significant legal issues, participating in electronic document review, including helping coordinate the review of multiple firms, dealing with technical experts, and as one of the select three counsel that dealt with issues of allocation between various potential sub-classes. This recent experience, along with their proven ability to work well with the firms appointed as temporary lead counsel in this litigation, will allow Mr. Kelly and his firm to hit the ground running if appointed to the Executive Committee in this litigation.

VI. Conclusion

Based on the foregoing, Michael Louis Kelly respectfully requests that he be appointed as a member to the Executive Committee. Further, Michael Louis Kelly respectfully requests the opportunity to briefly address the Court in person at the August 11, 2014 initial conference.

RESPECTFULLY SUBMITTED,

DATED: July 28, 2014

KIRTLAND & PACKARD LLP

By: /s/ Michael Louis Kelly

Michael Louis Kelly

Behram V. Parekh

Heather M. Baker

2041 Rosecrans Avenue, Third Floor

El Segundo, California 90245

Telephone: (310) 536-1000

Facsimile: (310) 536-1001

*Counsel for Plaintiff Hilarie Favro and the
Putative Class*